

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
July 7, 2009

Lake Forest City Hall
25550 Commercentre Drive
City Council Chamber
Lake Forest, California 92630

PRELIMINARY ACTION AGENDA: The listed Action represents a brief synopsis of the Council action. The Council Minutes, when approved, stand as the official record of the meeting. This Preliminary Action Agenda is provided as quick reference only and is NOT intended to serve as any form of the official record and should not be relied upon in making important decisions. Before making important decisions, you should review the approved minutes.

CALL TO ORDER:

6:04 p.m.

ROLL CALL: Council Members:

Richard T. Dixon
Kathryn McCullough
Marcia Rudolph
Peter Herzog
Mark Tetterer

Mayor Pro Tem:

Mayor:

City Manager:

City Attorney:

Acting City Clerk:

Robert C. Dunek
Scott C. Smith
Debra Rose

CLOSED SESSION

6:04 p.m.

1. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957
Agency Designated Representatives: City Manager
Unrepresented Employees: Miscellaneous
2. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957
Agency Designated Representatives: Mayor
Unrepresented Employee: City Manager

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: A portion of APNs 104-132-36 and 104-132-65 located at 20996
Marin, Lake Forest, CA
Agency negotiators: City Manager and City Attorney
Negotiating parties: Owner of Record (Irvine Ranch Water District)
Under Negotiation: Terms of Delivery and Parcel Configuration

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:25 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:00 p.m., with Mayor Tetteimer absent to continue regular City business.

PUBLIC SESSION 7:00 p.m.

PLEDGE OF ALLEGIANCE: Council Member Rudolph led the Pledge of Allegiance to the Flag of our Country.

CLOSED SESSION REPORT: (F: 16.3)

City Attorney Smith stated there were no reportable actions from Closed Session.

PRESENTATIONS:

4. RECOGNITION OF SERGEANT MIKE DUNHAM submitted by Chief of Police Services. (F: 55.5)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council approved the request as submitted, and made the presentation. MOTION CARRIED WITH MAYOR TETTEIMER ABSENT.

5. REPORT BY INVESTMENT OVERSIGHT REVIEWER QUARTER ENDED MARCH 31, 2009, submitted by Director of Finance/City Treasurer. (F: 30.10A)

ACTION: The City Council received and filed the report as submitted.

RECESS: City Council recessed at 7:23 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:24 p.m., with Mayor Tettermer absent to continue regular City business.

PUBLIC COMMENTS:

The following members of the public offered comments: Andy O'Conner, Brenda Flick, and Darla Bethke.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 6)

6. **WARRANT REGISTER** submitted by Director of Finance/City Treasurer in the amount of \$2,220,434.21. (F: 30.11)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph the City Council approved the warrant register as submitted. **MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSTAINING ON WARRANTS PAYABLE TO ROGER FAUBEL PUBLIC AFFAIRS AND SUNSET PROPERTY SERVICES AND WITH MAYOR TETTEMER ABSENT.**

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 7-18)

7. **MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS, SAID ORDINANCES AND RESOLUTIONS WHICH APPEAR ON THE PUBLIC AGENDA SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED** submitted by Acting City Clerk.

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council waived the reading of Ordinances and Resolutions. **MOTION CARRIED WITH MAYOR TETTEMER ABSENT.**

8. **MONTHLY TREASURER'S REPORT** submitted by Director of Finance/City Treasurer. (F: 30.12)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council received and filed the report as submitted. **MOTION CARRIED WITH MAYOR TETTEMER ABSENT.**

9. **CITY FINANCIAL REPORTS - QUARTER ENDED MARCH 31, 2009,** submitted by Director of Finance/City Treasurer. (F: 30.13)

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council received and filed the City Financial Reports – Quarter Ending March 31, 2009. **MOTION CARRIED WITH MAYOR TETTEMER ABSENT.**

10. **MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON APRIL 7, 2009,** submitted by Acting City Clerk.

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council approved the Minutes of the regular meeting of the City Council held on April 7, 2009. **MOTION CARRIED WITH MAYOR TETTEMER ABSENT.**

11. **ADOPTION OF ORDINANCE NO. 203,** submitted by Acting City Clerk. (F: 50.11C)

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council: 1. Conducted the second reading of Ordinance No. 203 entitled: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING SECTION 7.19.030(C) OF THE LAKE FOREST MUNICIPAL CODE RELATING TO THE LFTM BASELINE ADJUSTMENT IMPLEMENTATION PERIOD.** 2. Adopted Ordinance No. 203 as submitted. **MOTION CARRIED WITH MAYOR TETTEMER ABSENT.**

12. **EMANUEL JONES & ASSOCIATES - CONSULTANT PERFORMANCE REVIEW** submitted by Assistant to the City Manager. (F: 72.2C1)

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council received and filed the report as submitted. **MOTION CARRIED WITH MAYOR TETTEMER ABSENT.**

13. MEASURE M SEVEN-YEAR CAPITAL IMPROVEMENT PROGRAM submitted by Director of Public Works/City Engineer. (F: 71.12D28)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council: 1. Approved the Measure M Seven-Year Capital Improvement Program for Fiscal Years (FY) 2009-10 through 2015-16. 2. Authorized the Director of Public Works to forward the approved Measure M Seven-Year Capital Improvement Program to the Orange County Transportation Authority. **MOTION CARRIED WITH MAYOR TETTEMER ABSENT.**

14. CONTRACT AWARD FOR THE LAKE FOREST DRIVE RESURFACING PROJECT (PW 2007.17F) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.17F)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council: 1. Awarded a contract in the amount of \$676,871.81 to All American Asphalt, Inc., of Corona, California, for construction of the Lake Forest Drive Resurfacing Project (PW 2007.17F). 2. Upon receipt of the executed contract documents from All American Asphalt, reject all other bids received and authorize return of the Bid Bonds. 3. Authorized the Mayor to sign, and City Clerk to attest the contract with All American Asphalt. 4. Authorized the City Manager to approve contract change orders up to a maximum ten percent (10%) of the contract amount. **MOTION CARRIED WITH MAYOR TETTEMER ABSENT.**

15. CONTRACT AWARD FOR GRAFFITI REMOVAL AND STEAM CLEANING SERVICES submitted by Director of Public Works/City Engineer. (F: 34.5)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council: 1. Awarded a contract for an annual not-to-exceed amount of \$115,560 to Bonanza Steam Cleaning, of Mission Viejo, California, for graffiti removal and steam cleaning services, substantially in the form attached. 2. Upon receipt of the executed contract documents from Bonanza Steam Cleaning, reject all other bids received and authorize return of the Bid Bonds. 3. Authorized the Mayor to sign, and City Clerk to attest the contract with Bonanza Steam Cleaning. **MOTION CARRIED WITH MAYOR TETTEMER ABSENT.**

16. MITIGATED NEGATIVE DECLARATION FOR TRABUCO ROAD STREETScape (PW 2005.06) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2005.06)

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved Resolution No. 2009-22 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING AND REPORTING PROGRAM, AND THE TRABUCO ROAD STREETScape PROJECT CONSTRUCTION (PW 2005.06). MOTION CARRIED WITH MAYOR TETTEMER ABSENT.

17. APPROVAL OF PLANS, BID AND CONTRACT DOCUMENTS, SPECIFICATIONS, AND SPECIAL PROVISIONS FOR RUE DE FORTUNA AND BAKE PARKWAY TRAFFIC SIGNAL (PW 2007.14) submitted by Director of Public Works/City Engineer. (F: 66.8A PW 2007.14)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council: 1. Approved the plans, bid and contract documents, specifications, and special provisions for the Rue de Fortuna/Bake Parkway traffic signal. 2. Authorized staff to procure traffic signal poles, mast arms, controller, and cabinet in accordance with the City's Contract and Purchasing Guidelines and the Lake Forest Municipal Code. 3. Authorized the City Clerk to advertise and receive bids for this project. MOTION CARRIED WITH MAYOR TETTEMER ABSENT.

18. REQUEST FOR PROPOSALS RELATED TO SPORTS PARK PROJECT submitted by Director of Public Works/City Engineer. (F: 50.11E)

A. REQUEST FOR PROPOSAL FOR SPORTS PARK CONSTRUCTION MANAGEMENT SERVICES (PW 2009.01CM) submitted by Director of Public Works/City Engineer. (F: 2009.01CM)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council continued this item to the next regular City Council meeting. MOTION CARRIED WITH MAYOR TETTEMER ABSENT.

- B. REQUEST FOR PROPOSAL FOR SPORTS PARK
GEOTECHNICAL SERVICES (PW 2009.01G) submitted by
Director of Public Works/City Engineer. (F: PW 2009.01G)

ACTION: On motion by Council Member Dixon and second by Mayor Pro
Tem Herzog, the City Council continued this item to the next regular City
Council meeting. MOTION CARRIED WITH MAYOR TETTEMER
ABSENT.

- C. REQUEST FOR PROPOSAL FOR SPORTS PARK SURVEYING
AND MAPPING (PW 2009.01S) submitted by Director of Public
Works/City Engineer. (F: PW 2009.01S)

ACTION: On motion by Council Member Dixon and second by Mayor Pro
Tem Herzog, the City Council continued this item to the next regular City
Council meeting. MOTION CARRIED WITH MAYOR TETTEMER
ABSENT.

MAYOR TETTEMER JOINED THE CITY COUNCIL MEETING AT 8:30 p.m.

PUBLIC HEARING(S):

19. APPEAL OF PLANNING COMMISSION'S APPROVAL OF FINAL
ENVIRONMENTAL IMPACT REPORT NO. 2008-01, SITE
DEVELOPMENT PERMIT NO. 2006-29 AND PLANNED SIGN
PROGRAM NO. 2009-02 FOR THE FOOTHILL RANCH WAL-MART
EXPANSION - 26502 TOWNE CENTRE DRIVE submitted by Director of
Development Services. (F: 23.5E10)

ACTION: On motion by Council Member Dixon and second by Council
Member Rudolph: The City Council: 1. Adopted City Council Resolution
No. 2009-23 entitled: A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF LAKE FOREST, CALIFORNIA, CERTIFYING THE
ENVIRONMENTAL IMPACT REPORT FOR THE FOOTHILL RANCH
WAL-MART EXPANSION PROJECT; ADOPTING ENVIRONMENTAL
FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT; AND ADOPTING A STATEMENT OF OVERRIDING
CONSIDERATIONS AND A MITIGATION MONITORING AND
REPORTING PROGRAM (CC Attachment No. 1). 2. Adopted the City
Council Resolution No. 2009-24 entitled: A RESOLUTION OF THE CITY

COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA
APPROVING SITE DEVELOPMENT PERMIT (SDP) NO. 2006-29 FOR
THE FOOTHILL RANCH WAL-MART EXPANSION PROJECT
LOCATED AT 26502 TOWNE CENTRE DRIVE (APN 612-093-06) (CC:
Attachment No. 2) WITH A CONDITION ADDED LIMITING THE
HOURS OF OPERATION FROM 6:00 A.M. TO 1:00 A.M. 3. Adopted
City Council Resolution No. 2009-25 entitled: A RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA
APPROVING PLANNED SIGN PROGRAM (PSP) NO. 2009-02, AN
ADDENDUM TO PLANNED SIGN PROGRAM NO. 1999-07, FOR THE
FOOTHILL RANCH TOWNE CENTER (CC: Attachment No. 3).
MOTION CARRIED WITH MAYOR PRO TEM HERZOG OPPOSED.

20. FALSE ALARM FEE RECOVERY ORDINANCE submitted by City
Attorney and Chief of Police Services. (F:)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council
Member Dixon, the City Council opened and continued the hearing on the
false alarm fee to the City Council's July 21, 2009 meeting. MOTION
UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

21. POTENTIAL RESTRUCTURE - SOUTH ORANGE COUNTY
REGIONAL CHAMBERS OF COMMERCE submitted by Deputy
Executive Director. (F: 42.2)

ACTION: The City Council proposed the creation of an Ad Hoc group with
Mayor Tettmer as Council representative.

22. DISCUSSION REGARDING THE DESIGNATION OF THE VOTING
DELEGATE AND ALTERNATES FOR THE LEAGUE OF CALIFORNIA
CITIES ANNUAL CONFERENCE submitted by Acting City Clerk.
(F: 43.3)

ACTION: On motion by Council Member Dixon and second by Council
Member McCullough, the City Council: 1. Appointed Voting Delegates, to
be designated on the League of California Cities 2009 Annual Conference
Voting Delegate/Alternate Form, as attested by the Mayor. 3. Directed staff
to return to the City Council 90 days prior to the 2010 League of California

Cities Annual Conference to discuss appointing voting delegates. MOTION UNANIMOUSLY CARRIED.

23. RETAINING WALLS - PLANNING COMMISSION RECOMMENDATIONS submitted by Director of Development Services.

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council requested the Planning Commission recommendations concerning processing and review of retaining walls be returned to Council for consideration in six months time. MOTION UNANIMOUSLY CARRIED.

24. LEGISLATIVE AND REGULATORY MATTERS submitted by the Assistant to the City Manager. (F: 72.2B)

ACTION: The City Council received and filed report with minute action to adopt positions on various legislative proposals as recommended. 2. Requested City Attorney's presentation on greenhouse gas emissions and related issues to be continued to October 2009.

25. STATUS OF CITY CLERK RECRUITMENT submitted by Director of Management Services. (F: 48.8C)

ACTION: The City Council continued this item to the next scheduled City Council meeting.

26. REQUESTS FOR APPOINTMENT TO AGENCIES, BOARDS, COMMISSIONS AND/OR COMMITTEES THROUGH THE LEAGUE OF CALIFORNIA CITIES submitted by Acting City Clerk.

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT: (F: 26.17)

City Manager Dunek offered no comments.

CITY COUNCIL COMMENTS: (F: 26.9)

Council Member Dixon offered comments.

Council Member McCullough offered comments.

Council Member Rudolph offered comments.

Mayor Pro Tem Herzog offered comments.

Mayor Tetteimer offered comments.

CONTINUED CLOSED SESSION: (F: 16.3)

ACTION: There was no continued Closed Session.

ADJOURNMENT: (F: 26.8) 10:33 p.m.